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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 SEAN WILLIAM DOAK,

13 Defendant.

Case No. CR08-244RSL

ORDER GRANTING
DEFENDANT'S SECOND
MOTION FOR
COMPASSIONATE
RELEASE

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15 This matter comes before the Court on defendant's second "Motion to Reduce Sentence
16 Pursuant to First Step Act and for Compassionate Release." (Dkt. # 254). Having considered
17 the motion and the record contained herein, the Court finds as follows:

18 **I. BACKGROUND**

19 The Court reincorporates its previous summary of defendant's background:

20 Defendant is a [47]-year-old inmate currently incarcerated at Reeves III in Pecos,
21 Texas. Dkts. # 244 at 6, # 248 at 3. He is a citizen of Canada. On December 14,
22 2015, defendant pled guilty to conspiracy to distribute 100 kilograms or more of
23 marijuana and 500 grams or more of a mixture and substance containing cocaine,
24 in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846. Dkt. # 153 at 2. On
25 June 10, 2016, the Court sentenced defendant to 84 months' imprisonment and
26 four years of supervised release. Dkt. # 168 at 2-3. Defendant is currently
scheduled for release from the custody of the Federal Bureau of Prisons ("BOP")
on December 28, 2021. Dkts. # 244 at 1, # 248 at 2.

27 Dkt. # 252 at 1-2.

28 ORDER GRANTING DEFENDANT'S
SECOND MOTION FOR COMPASSIONATE
RELEASE - 1

1 Defendant filed his first motion for compassionate release on December 11, 2020. Dkt.
2 # 244. The Court denied defendant's motion on the ground that he failed to satisfy the statutory
3 exhaustion requirement set forth in 18 U.S.C. § 3582(c)(1)(A). Dkt. # 252. Defendant filed his
4 second motion for compassionate release on November 5, 2021. Dkt. # 254.

5 II. DISCUSSION

6 A. Exhaustion Requirement

7 A prisoner must establish exhaustion if the government timely raises the issue. United
8 States v. Keller, 2 F. 4th 1278, 1283 (9th Cir. 2021); see also 18 U.S.C. § 3582(c)(1)(A). The
9 government does not contest that defendant exhausted his administrative remedies by correcting
10 and resubmitting his appeal to the Warden of his facility. Dkt. # 257 at 6 (citing Dkt. # 253).
11 The Court finds that defendant has satisfied the exhaustion requirement.

12 B. Defendant's Circumstances

13 The Court finds that, under the totality of the circumstances, defendant has established
14 his request for compassionate release is appropriate to allow him to return home for the holidays
15 less than a month prior to his scheduled release from custody.

16 III. CONCLUSION

17 For all the foregoing reasons, defendant's motion for compassionate release (Dkt. # 254)
18 is GRANTED.

19 IT IS HEREBY ORDERED that defendant's custodial sentence be reduced to time
20 served. All other provisions of sentencing remain as previously set.

21 IT IS FURTHER ORDERED that if defendant is not taken into U.S. Immigration and
22 Customs Enforcement custody upon his release from the Federal Bureau of Prisons, he shall
23 contact the U.S. Probation Office in Seattle, Washington within 24 hours of his release and
24 follow its instructions.

1 DATED this 30th day of November, 2021.

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4 Robert S. Lasnik
5 United States District Judge
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